

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARNELL OTIS McGARY,

Plaintiff,

v.

Dr. LARRY ARNHOLT, *et al.*,

Defendants.

Case No. C03-5589RJB

ORDER

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Plaintiff has been granted *in forma pauperis* status. The case has been dismissed and is currently on appeal.

Before the court are objections to an order entered by Magistrate Judge Strombom directing plaintiff not to call chambers and leave messages regarding his cases. The objections are considered as a motion for reconsideration as plaintiff asks for action from the magistrate judge. (Dkt. # 68).

Plaintiff had called chambers of both Magistrate Judges and asked for court intervention on his cases. In these calls he argues the merits of his actions or provides evidence of alleged misconduct. Both Judges entered similar orders directing plaintiff not to attempt to make ex parte contacts of this nature.

Plaintiff has filed objections to the order. (Dkt. # 68). Plaintiff alleges he called the “deputy”

1 instead of the clerks office because some unidentified person at the clerks office referred to plaintiff
2 by a racial epitaph. (Dkt. # 68, page 1). Plaintiff should be aware that the court does not condone
3 any federal employee using inappropriate language. Plaintiff may contact the personnel office if he
4 has specific information regarding alleged staff misconduct.

5 Contacting a judge's chambers and leaving information why a court should act or offering
6 evidence regarding a case is simply not allowed. The other side is not present to defend against the
7 statements and conducting court business in this manner deprives the parties of a fair hearing. While
8 plaintiff may have called another part of the court, he should not have left information arguing his
9 position on a judges phone.

10 Plaintiff complains that the court by mentioning a case before another Judge has "judicially
11 exposed" his cases. Documents filed by the parties are matters of public record unless a file has been
12 sealed. Neither action referred to in the court's order is sealed.

13 Plaintiff also asks for recusal of the Magistrate Judge in this case. The request does not
14 comply with Local Rule 8 or the requirements of 28 U.S.C. § 144. Thus the request for recusal will
15 not be considered. Plaintiff's objections have been considered as a motion for reconsideration and
16 his motion is **DENIED**.

17 The Court Clerk is directed to send a copy of this Order to petitioner and the Attorney
18 General's Office Social Health Service Division attention Assistant Attorney General Timothy Lang.

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20 DATED this 26th, day of October, 2005.

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24 Karen L. Strombom
25 United States Magistrate Judge
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